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WORKMAN NYDEGGER/MICROSOFT			FRANCIS, MARK P	
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60 EAST SOUTH TEMPLE			ART UNIT	PAPER NUMBER
SALT LAKE CITY, UT 84111			2193	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/774,407	FLANAGIN, STEPHEN D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 October 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This action is responsive to the amendment filed October 3, 2005.
2. Per applicants' request, claims 1,2,12,13,21,25 and 32 have been amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 5-22,24-27,39-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox. (6,654,786)

### *Independent claims*

With respect to claims 1 and 12, Fox discloses In a system that includes a wireless device and a notification server (e.g. See Fig. 1 and related text), wherein the notification server(e.g. See Fig. 2, element 114 and related text) sends notifications to the wireless device(Col 3, lines 42-61, "...wireless personal...") over a low capacity channel, a method for routing the notifications over a high capacity channel whenever a high capacity channel is available(e.g. See Figs. 2 and 4 and related text), the method comprising the wireless device performing:

An act of communicating with a wireless device over a low capacity channel and over which notifications are by default sent from a notification server to the wireless device;

An act of detecting that the wireless device has connected with a network device, wherein the network device is connected with the notification server over a high capacity channel comprising the internet; (Col 3, lines 24-61, "...airnet may comprise more than one...different types of networks...", Col 5, lines 17-29, "...through a first wireless network...")

an act of receiving notice that the wireless device has access to the high capacity channel comprising the internet through the network device; (Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2, 4 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...", Col 12:45-67, "...establishes a circuit...")

an act of temporarily rerouting notifications that are to be sent to the wireless device over the low capacity channel to now be sent to the wireless device over the high capacity channel comprising the internet and until it is at a later time determined that the wireless device no longer has access to the high capacity channel and at which later time notifications will resume being sent to the wireless device over the low capacity channel. (Col 5, lines 41-67, "...pushes an update notification...", Col 6, lines 37-67, "...to send several update notifications...", Col 12:45-67, "...The IWF channel is not used unless the user...", and See Figs. 2 and 4 and related text )

*Dependent claims*

With respect to claims 2, the rejection of claims 1 is incorporated and further, Fox

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discloses wherein the wireless device communicates with the network device over a communication link, and wherein the wireless device automatically connects with the network device.. (e.g. See Figs. 2 and 4, and related text)

With respect to claim 3, the rejection of claim 2 is incorporated and further, Fox discloses wherein the network device is one of a desktop computer, a blue tooth enabled LAN, and a kiosk. (Col 3, lines 62-67, "...a workstation...")

With respect to claim 5, the rejection of claim 1 is incorporated and further, Fox discloses wherein the act of detecting the high capacity channel further comprises an act of communicating with a network device over a communication link. (Col 4, lines 4-18, "...controls radio or telecommunication links...", Col 12, lines 46-67, "...its main channel...", Col 13, lines 39-57, "...to multiple wireless networks...", and e.g. See Figs. 2 and 4, and related text)

With respect to claim 6, the rejection of claim 1 is incorporated and further, Fox discloses wherein the act of notifying the notification server comprises an act of sending an access notification to the notification server, wherein the access notification identifies that the high capacity channel is available for notifications sent to the wireless device. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

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With respect to claim 7, the rejection of claim 1 is incorporated and further, discloses wherein the act of notifying the notification server further comprises an act of providing the notification server with a new address, wherein the notifications are routed to the new address. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claims 8 and 29, the rejection of claims 1 and 25 are incorporated respectively and further, Fox discloses an act of the proxy server determining that the wireless device no longer has access to the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks..."Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 9, the rejection of claim 8 is incorporated and further, Fox discloses wherein the act of detecting that the wireless device no longer has access to the high capacity channel further comprises an act of sending an acknowledgement to the notification server for each notification received by the wireless device. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 10, the rejection of claim 8 is incorporated and further, Fox discloses, wherein the act of detecting that the wireless device no longer has access further comprises the act of notifying the notification server over the low capacity channel that notifications can no longer be sent over the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..." Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claims 11 and 20, the rejection of claims 1 and 12 are incorporated respectively and further, Fox discloses A computer program product having computer executable instructions for performing the acts recited in claim 1. (See Figs. 1,2, and 4 and related text)

With respect to claim 13, the rejection of claim 12 is incorporated and further, Fox discloses wherein the step for accessing the high capacity channel further comprises: an act for connecting the wireless device with a network device, wherein the network device has an existing access to the high capacity channel; and an act of detecting the high capacity channel by the wireless device. (e.g. See Fig. 4 and related text)

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With respect to claim 14, the rejection of claim 12 is incorporated and further, Fox discloses, wherein the act of establishing communication over the high capacity channel further comprises: an act of notifying the notification server, by the wireless device, that the wireless device has access to the high capacity channel; (Col 12, lines 46-67, "...notification request is received...")

an act of providing the notification server with an address such that the wireless device receives the notifications over the high capacity channel; (Col 6, lines 7-67, "...The URLs representing...")

and an act of formatting the notifications for transmission over the high capacity channel. (Col 6, lines 51-67, "...properly formatted...")

With respect to claim 15, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for determining that the wireless device can no longer receive notifications over the high capacity channel. (Col 13, lines 1-57, "...will get all the queued pending notifications...")

With respect to claims 16 and 34, the rejection of claims 15 and 32 is incorporated respectively and further, Fox discloses wherein the step for determining that the wireless device can no longer receive notifications over the high capacity channel comprises: an act of sending an acknowledgement by the wireless device for each notification sent by the notification server; and an act of determining that the wireless device no longer has access to the high capacity channel if the notification server does

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not receive a particular acknowledgement for a particular notification within a predetermined time period. (Col 12, lines 5-67, "...has permission to access the notifications...")

With respect to claim 17, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for resuming the step for sending notifications over the high capacity channel when the wireless device again has access to the high capacity channel. (Col 7, lines 30-46, "...replace an old notification...", e.g. See Fig. 4 and related text)

With respect to claim 18, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for preparing the notification for transmission over the high capacity channel when the wireless device has access to the high capacity channel. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 19, the rejection of claim 12 is incorporated and further, Fox discloses further comprising a step for preparing the notification for transmission over the low capacity channel when the wireless device does not have access to the high capacity channel. Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..." Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claims 21 and 32, the rejections of claims 12 and 31 are incorporated respectively and further Fox discloses an act of providing the wireless device with access to the second channel through the network device when the wireless device is in communication with the network device; (Col 3, lines 24-61, "...airnet may comprise more than one...different types of networks...", Col 5, lines 17-29, "...through a first wireless network...", e.g. See Fig. 4 and related text)

an act of contacting the proxy server over the second channel to notify the proxy server that the wireless device has access to the second channel; (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...", e.g. See Fig. 4 and related text)

and an act of receiving notifications from the server over the second channel until the wireless device no longer has access to the second channel, wherein the notification are re-routed by the proxy server over the second channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claim 25, the rejection of claim 12 is incorporated and further, Fox discloses the method further comprising:

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an act of the proxy server receiving an access notification from the wireless device(Col 5, lines 41-67, "...pushes an update notification...", Col 6, lines 37-67, "...to send several update notifications..." and See Figs. 2 and 4 and related text )

, wherein the access notification informs the proxy server that the wireless device has access to the high capacity channel; (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

an act of the proxy server routing the notification to the wireless device over the high capacity channel instead of the low capacity channel;(Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

and an act of the proxy server resuming sending the notification to the wireless device over the low capacity channel when the wireless device no longer has access to the high capacity channel. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."(Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...")

With respect to claim 22, the rejection of claim 21 is incorporated and further, Fox discloses, further comprising an act of receiving notifications over the first channel when

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the second channel is not available to the wireless device. (Col 12, lines 46-67, "...also include a Short Messaging System..." and e.g. See Fig. 4, and related text)

With respect to claim 24, the rejection of claim 21 is incorporated and further, Fox discloses, further comprising an act of sending notifications over the first channel when the wireless devices loses access to the second channel. (Col 12, lines 46-67, "...also include a Short Messaging System..." and e.g. See Fig. 4, and related text)

With respect to claim 26, the rejection of claim 25 is incorporated and further, Fox discloses, wherein the act of the proxy server routing the notification further comprises an act of formatting the notification for transmission over the high capacity channel. (Col 12, lines 45-67, "...on its main channel..." and See Fig. 4 and related text)

With respect to claim 27, the rejection of claim 25 is incorporated and further, Fox discloses wherein the act of detecting the high capacity channel further comprises as act of connecting the wireless device with a network device, wherein the wireless device communicates with the network device over a communication link, wherein the act of connecting the wireless device can occur automatically. (e.g. See Figs. 2, and 4, and related text)

With respect to claim 30, the rejection of claim 29 is incorporated and further, Fox

discloses, wherein the act of the proxy server determining that the wireless device no longer has access further comprises:

an act of implementing a timeout for the notification sent to the wireless device; and an act of resuming sending the notification to the wireless device over the low capacity channel if an acknowledgement of the notification is not received by the proxy server before the timeout expires. (Col 8, lines 10-67, "...X-Up\_Ntfn-TTL header specifies how long...")

With respect to claim 31, the rejection of claim 25 is incorporated and further, Fox discloses A computer readable medium having computer executable instructions for performing the acts recited in claim 25. (e.g. See Fig. 1 elements 110,112, and related text)

With respect to claim 33, the rejection of claim 32 is incorporated and further, Fox discloses, wherein the method further comprises: an act of detecting that the wireless device no longer has access to the high capacity channel; and an act of sending notifications over the low capacity channel when the high capacity channel is unavailable to the wireless device. (Col 13, lines 39-67, "...be used to serve notifications to multiple wireless networks...based upon the type of wireless networks..."Col 5, lines 41-67, "...Web server, to notify..." and See Fig. 2 and related text, Col 6, lines 37-67, "...may be connected to different wireless networks...", Col 12, lines 46-67, "...properly formatted...")

With respect to claim 35, the rejection of claim 32 is incorporated and further, Fox discloses, wherein the method further comprises: an act of formatting the notification for transmission over the low capacity channel if the high capacity channel is unavailable; and an act of formatting the notification for transmission over the high capacity channel when the wireless device has access to the high capacity channel. (Col 6, lines 51-67, "...properly formatted...", Col 7, lines 22-45, "...properly formatted...", Col 9, lines 41-60, "...properly formatted...")

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4,23, 28, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Slaughter. (6,898,618)

Regarding claims 4 and 28,

the rejection of claims 2 and 27 are incorporated respectively and further,

Fox does not show wherein the communication link is provided by a network device, the communication link being one of: a serial link, a universal serial bus link, a wireless Bluetooth link, and an infrared link.

Slaughter shows wherein the communication link is provided by a network device, the communication link being one of: a serial link, a universal serial bus link, a wireless Bluetooth link, and an infrared link(Col 78, lines 18-55, "...Bluetooth..." and Col 105, lines 42-67, "...infrared such...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include network communication links that contain infrared and Bluetooth links to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Regarding claim 36,

The rejection of claim 32 is incorporated respectively and further,

Fox does not show wherein the method further comprises an act of docking the wireless device with the network device.

Slaughter shows wherein the method further comprises an act of docking the wireless device with the network device(Col 105, lines 29-67, "...docking stations...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include docking the wireless devices with the network device to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Regarding claim 23,

The rejection of claim 21 is incorporated respectively and further,

Fox does not show wherein the act of providing the wireless device with access to the second channel further comprises an act of connecting the wireless device at a docking station, the docking station having a communication link with the network device that provides the wireless device has access to the second channel through the network device.

Slaughter shows wherein the act of providing the wireless device with access to the second channel further comprises an act of connecting the wireless device at a docking station, the docking station having a communication link with the network device that provides the wireless device has access to the second channel through the network device(Col 105, lines 29-67, "...docking stations may be provided...") in an analogous system for the purpose of providing a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include docking the wireless devices with the network device to Fox's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

### ***Response to Arguments***

7. Applicant's arguments filed on October 03, 2005 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claims 1 and 12, Applicant essentially argues that Fox et al. does not teach or suggest that the IWF channel is the internet. Applicant also argues that Derrick et al. does not suggest a need to unbundled the non-native instructions and does not disclose the native instructions be bundled for execution.

In response, the Examiner notes Figure 4, elements 104,210, and 402. Fox displays the IWF channel connected to a pull engine on a proxy server device that has a

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connection to the Internet. Thus, Fox does disclose the high capacity channel comprising the Internet as disclosed in the independent claims 1 and 12.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Vakali Chaki*

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